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WHAT HAS HAPPENED

(By Pacific & Atlantic)
The late Mary Phagan

(By Underwood)
Judge Newton A. Morris appeals to the mob to leave Leo Frank's body in his care.

The late Leo Frank

Law Tried to Operate In Case of Leo Frank, But Was Finally Beaten By an Infuriated Mob

The Love Bomb Next Sunday's SUNDAY NEWS

THE Leo Frank case was probably the most shocking affair of its kind this country has ever seen. It is difficult to believe that all this could have happened in this country and in this modern age.

Frank, young Jewish superintendent of a pencil factory in Atlanta, Ga., happened to be the last person to see Mary Phagan, one of his employes, alive. Within a few minutes after he claimed she left his office on the second floor she was attacked by a degenerate and killed. Her body was found the next morning in the cellar of the factory.

With the murder, and the arrest of Frank, a period of hysteria, of race hatred and prejudice set in. Eventually it culminated in the lynching of the convicted man.

Eight years later Frank was exonerated.

* * *

The title of this "Justice" story is "The Triumph of a Mob." Justice tried to operate, but fell before an overpowering public sentiment. With all the cruel unreason of a mad dog the infected mob set its teeth in one certain man as soon as he was arrested. It never let go until he was dangling from the limb of a tree opposite the home of the murdered Mary Phagan, two years and four months after the crime.

From beginning to end it was a most rabid performance.

Leo Frank, a Jew, was 29 at the time of the murder. He was born in Texas but his parents moved to Brooklyn when he was an infant. A graduate of Cornell, he had settled in Atlanta, Ga., five years before and later married a girl of his own faith and race. He was superintendent of the National pencil company, whose factory was located in the heart of Atlanta.

Went to Collect Pay.

One of the girls employed in the factory was Mary Phagan, a beautiful child of 14, who lived in Marietta, a suburb of Atlanta. She was a general favorite in her neighborhood. She had impersonated the "Sleeping Beauty" at a church entertainment on the previous Christmas Eve.

Mary worked in the metal room on the second floor of the factory but had not been employed for several days owing to a shortage of the metal with which the pencils were tipped.

On the morning of April 26, 1913—it was Confederate Memorial Day and therefore a holiday—the girl boarded a street car near her home at 11:50 o'clock to go to the factory to collect $1.20 pay due her. A notice had been posted that the employes would be paid on Friday the 25th on account of the holiday, but Mary did not know this. She reported at the usual time.

As it happened, Frank was there when she arrived. It had been his custom to come to the factory on holidays to catch up on his office work. His office was located on the second floor; the entrance to it from the street was by way of a dark stairway and through an outer office.

According to Frank, Miss Phagan arrived between ten and fifteen minutes after 12 noon. When she asked for her pay Frank asked for her number, without asking for her name; then he went to the cash box, identified the envelope by the number, according to the company's system, and handed it over to her. The girl went to the door leading to the outer office, then stopped and asked if the metal had arrived.

"No, not yet," he replied.

Then, he said, she left. He heard the sound of her footsteps dying in the distance as Mary went down the stairs.

A moment later, according to him, he had an impression that he heard a female voice, but could not determine which direction it came from and paid no further attention.

The factory superintendent remained working at his desk, from his own account. People had been in and out during the morning and early afternoon, but from 3 o'clock he was alone in his office working on a financial sheet which it was his custom to mail each Saturday to the stockholders of the concern. Then he wrote a letter to an uncle and went home.

Mary Phagan did not return home. Her family made inquiries, visited motion picture theatres; no one had seen her.

Then at 3:30 o'clock of the morning of the 27th Mary Phagan was found. And Atlanta's period of delirium was on.

Newt Lee, the colored watchman, discovered the body in the cellar of the factory. The girl had apparently been beaten to death by a degenerate. Her face was pitted and seamed with indentations and scratches from cinders. There had been a fierce struggle. Her hat, one slipper, and her handkerchief lay in widely different parts of the cellar.

The child's silver mesh bag, containing her little money, was missing; so also were the flowers and ribbons that had been stripped from her hat. They never were found.

The murderer apparently had escaped through a sliding door in the rear of the basement. This door led to an unfrequented alley. The inside hasp had been pried off with an iron bar which lay near by, and in the haste of flight the door had been left open. On the inside of this door were the marks of bloody fingerprints made in pushing the door back.

Near the body were found a pencil and two pieces of paper, on which were written a note or notes supposedly from Mary to her mother. As later developed, they were written to throw off the scent from the murderer. Omitting several unprintable words, the first note said:

"mam that negro hire down here did this i went to . . . and he push me down that hole a long tall negro black that hoo it wase long steam tall negro i wright while . . ."

And the second read:

"he said . . . . . play like the night witch did it but that long tall black negro did buy his slef."

The news of the atrocity shocked and infuriated the people of Atlanta and vicinity. In the previous two or three years some eighteen women had been murdered and none of the murderers had been caught. The newspapers called upon the authorities to find the murderer or murderers of Mary Phagan or suffer the political consequences.

Immediate arrests—that was what was demanded, and the police responded by arresting two men, the one who had seen Mary Phagan last alive and the one who had discovered the body.

Centered on Frank.

The police decided that Newt Lee was innocent and centered their whole attention on Frank. Overcome by the general hysteria, the authorities exaggerated what they called the suspicious circumstances, and the consequence was that the press and public immediately formed a firm conviction that the factory superintendent was the degenerate fiend who had soiled and slain this lovely girl.

The fact that Frank was a Jew added to the flames of hatred and prejudice.

Extraordinary significance was attached to the fact that Frank, after the watchman reported for work at 4 o'clock that Saturday afternoon, had told the man he might go out again and return at 6. Also, that Frank called the factory at 7 o'clock from his home and asked if everything was all right.

Frank's explanation was that he had intended going to a baseball game but had decided to remain at work in his office because the weather was threatening.

So far as this reporter has been able to discover, this was the sum total of the evidence against Frank until the entrance of Jim Conley into the case. Innumerable rumors were circulated after Frank's arrest, and these contributed tremendously to the public conviction of guilt, but in the end none of them stood the test.

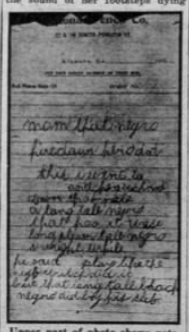
The late Tom Watson, editor of the Jeffersonian and one-time aspirant for the presidency, took an active part in molding public sentiment. His campaign against Frank was perhaps the most inflammable ever directed against an accused person. Soon after Frank's arrest the Jeffersonian said:

"Our little girl—ours by the eternal God! has been pursued to a hideous death and bloody grave by this filthy perverted Jew of New York."

The campaign was in full career, the period of delirium well under way, by the time the police learned that there had been one

The mob which lynched Leo Frank was different from most mobs. It operated with the utmost outward coolness. And it was proud of its triumph. One of its number even snapped a picture of Frank swinging from the tree opposite Mary Phagan's home.

That picture appears on page 1 of today's rotogravure section.



Upper part of photo shows note Conley at first claimed was in Frank's handwriting. Two unprintable words are not shown. Lower note, on whiter paper and clearer surface, is one Conley at first claimed he wrote at Frank's dictation. On witness stand he claimed he wrote both notes at Frank's bidding.

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